



# Town of Berwyn Heights

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**MAYOR**  
Stephen D. Isler

**COUNCIL MEMBERS**  
Jason W. Papanikolas (Mayor Pro Tem)  
Amanda M. Dewey  
Jeffrey Jay Osmond  
Ethan D. Sweep

## Town Meeting Minutes April 15, 2020 | 7:00 pm

This meeting was held by videoconference due to the COVID-19 State of Emergency, which required Marylanders to stay at home except for essential errands. The meeting was broadcast on Berwyn Heights cable TV channels and streamed on the Town website. Residents were given the opportunity to comment by telephone and email.

The meeting was called to order at 7:15 p.m. Present were Mayor Stephen Isler, Mayor Pro Tempore (MPT) Jason Papanikolas, Councilmembers (CMs) Amanda Dewey, Jeffrey Jay Osmond, and Ethan Sweep. Also present were Town Manager (TM) Maria Broadbent, Treasurer Michelle Rodriguez, Detective Daniel Unger, Code Director Hollyce Goodwin, and Town Clerk Kerstin Harper.

### 1. Approval of the Agenda

CM Dewey moved to approve the April 15 Town meeting agenda. CM Sweep seconded. The motion passed 5 to 0. Mayor Isler reviewed the rules of order for this meeting.

### 2. Approval of Minutes

CM Dewey moved to approve the March 11 Town meeting minutes. CM Sweep seconded. The motion passed 5 to 0.

### 3. Mayor's Report

Mayor Isler thanked residents and staff for following the Governor's new directives to stay at home and wear masks in public to slow the spread of Coronavirus COVID-19. Police and Public Works employees continue to work. Administration and Code staff work mostly from home. The Council received an e-mail congratulating Berwyn Heights on its high response rate for the 2020 Census, which now stands at 62.4%. Residents are encouraged to continue to fill out the Census either online, by phone or by mail.

### 4. Department Reports

Mayor Isler asked for a motion to receive all department reports for the record. CM Dewey so moved. CM Sweep seconded. The motion passed 5 to 0.

**Administration:** MPT Papanikolas reported that Town Hall is closed, and staff is working from home. Creative ways have been developed to do business remotely. The focus is on the FY 2021 budget, which will be introduced later in the meeting.

TM Broadbent said following the closing of Town Hall staff is getting the job done remotely. The Treasurer drops by the office to pick up mail and makes sure bills get paid. The budget is being

monitored closely because of concerns over shortfalls. Police and Public Works staff are commended for continuing to take care of Berwyn Heights residents.

Treasurer Rodriguez said that staff is learning new tricks to get their jobs done remotely. This means communicating much more by email. Kudos go to Public Works and BHPD employees who continue to be out and about to keep the Town safe and clean.

**Code Compliance:** CM Osmond gave highlights from the Code Compliance report, noting that clean lot violations, permits and permit revenue have gone up from last year. However, rental licenses issued have gone down. Overall, there is more activity, some of it due to an additional employee having been hired, as well as the Comcate system being fully implemented.

Director Goodwin added that the Code Department has adjusted its operations to the State of Emergency and, like the other departments, is getting much of the work done remotely. No rental inspections will be performed until at least May 15 and license applications are received and issued by mail or e-mail at [code@berwynheightsmd.gov](mailto:code@berwynheightsmd.gov).

**Parks, Recreation, Education & Civic Affairs:** CM Dewey said she is grateful for Police and Public Works staff continuing to work to keep the residents safe and the Town functioning. She thanked residents for obeying the directives to stay at home and wearing masks when in public. She is gratified that many residents have stepped up to help their neighbors and share food or supplies.

CM Dewey reiterated that Berwyn Heights is doing great responding to the Census compared to the State and the County. Prince George's County hopes to increase its response rate by 15% ~~over~~ 2019 monthly and achieve 85% completion by August. Everyone who has not yet responded is encouraged to fill out the Census online or by mail to reduce the need for in-person visits by census takers during the pandemic.

In recreation news, all events and meetings have been cancelled until at least May 15 but through the state of emergency. Pop's Park playground remains closed, but Indian Creek trail and Lake Artemesia, which are Park & Planning properties, are open. Residents are advised to seek other walking routes besides Lake Artemesia, which has been crowded.

**Public Works:** CM Sweep said Public Works are essential employees and are required to work. They have done a great job keeping the Town clean and attractive by picking up refuse and maintaining parks and landscaped areas. They also installed dimmer switches in the Senior Center, which sSeniors have requested. TM Broadbent added that a new trash truck will be delivered next week.

**Public Safety:** Mayor Isler said the continued operation of the Police Department is appreciated by all. When calling the Police station or the non-emergency number, residents can expect to be asked a series of questions to help the Police respond appropriately and safely.

## 5. Committee Reports

**Education Advisory Committee:** CM Dewey said the Education Advisory Committee hopes to hold its next meeting at the end of May if conditions warrant.

**Green Team:** CM Dewey said the Green Team is meeting virtually and the information to participate will be posted on the website. The Committee is working on putting together a package program of

summer activities for kids to earn points and prizes. The ~~package program~~ should be ready for publication distribution in the May bulletin.

**Historical Committee:** Clerk Harper reported that the Historical Committee hopes to next meet at the end of May and will probably cancel an event scheduled for May 17.

**Neighborhood Watch/Emergency Preparedness:** There was no report.

**Recreation Council:** CM Dewey said the Recreation Council is disappointed that Berwyn Heights Day had to be cancelled but members have managed to push some reservations and deposits to next year. Meanwhile, they are trying to think of creative ways to bring the community together.

## 6. Unfinished Business

There was none.

## 7. New Business

**Ordinance 181 - 1<sup>st</sup> Reading & Introduction of FY 2021 General Fund Budget:** The Ordinance was not read because the document was not available. TM Broadbent recommended MPT Papanikolas proceed with the Council's budget presentation and afterwards open the public hearing to take comments from residents.

MPT Papanikolas gave an overview of the FY 2021 budget, including the Council's priorities, contingency plans for impact of the COVID-19 health emergency; the Town's current financial position; and projected FY 2021 revenues and expenditures. Councilmembers Sweep, Dewey, and Osmond presented the proposed budgets for their respective departments.

At 8:10 p.m., Mayor Isler opened the public hearing. Jodie Kulpa-Eddy commented by email that Berwyn Heights might consider following the example of the State of Maryland, which is instituting a budget and hiring freeze in the face of a projected \$2.8 billion budget shortfall. Since tax due dates have been postponed to July 15, the Town can expect their tax receipts to be delayed and should make sure it has enough cash on hand. Further, the Council might want to consider not raising tax revenues by adopting-maintaining the constant yield tax rate. This would reduce the burden on residents who may be struggling to pay their mortgages during the crisis.

TM Broadbent replied that the Town already made significant budget adjustments before the full-scale closures related to the pandemic went into effect. These changes were mostly shouldered by staff with reductions in benefits and salary-increases/raises and are reflected in the budget presented during the March 28 budget workshop. Further, planned projects will be delayed until a time when it is known that there is enough money in the bank to move forward.

MPT Papanikolas agreed that the Town must be fiscally prudent in the coming year and spend only what is necessary to maintain current service levels. As stated, this budget already reflects reductions in spending. The Council also discussed deleting or postponing some enhancements but realized this would not result in significant savings. Fortunately, Berwyn Heights is in a better position to weather the storm than many neighboring cities because it has substantial reserves and no debts.

CM Sweep confirmed that the Town's budget is in better shape because of the changes made early in crisis. He clarified that the Town is not increasing the real property tax rate but has no say over

increases in assessments. He feels comfortable with this budget and believes it will get the Town through the next year.

CM Dewey said the Council understands that homeowners may end up paying more taxes even with tax rates kept at current levels. Councilmembers pay these taxes, too. To limit spending the Council has looked closely at enhancements and either cut everything that it deemed non-essential or postponed purchases until January. Additionally, this is a time when the Town needs to protect its reserves and not spend them to balance the budget. This budget does that.

CM Osmond and Mayor Isler agreed with the points made by the other Councilmembers.

MPT Papanikolas said Ms. Kulpa-Eddy also asked whether a required notice of the proposed tax rate has been published prior to this public hearing. Clerk Harper replied the tax rate notice was published in the Prince George's Post.

***Ordinance 182 – 1<sup>st</sup> Reading & Introduction of Public Safety Taxing District Budget:*** No reading of the Ordinance took place as the document was not available. TM Broadbent summarized that this budget raises a special tax on the commercial district to finance public safety improvements. No significant changes are proposed. The Council had no comments.

***Resolution CR 01-2020 – Charter Amendment to Modify Election Provisions:*** Mayor Isler said that a number of jurisdictions are planning to postpone or modify their elections due to the restrictions on public gatherings imposed with the State of Emergency. Berwyn Heights is in the same position and is thinking about changing the date and manner of holding its Town Council election normally taking place on the first Tuesday in May.

TM Broadbent said in-person voting on May 5 is no longer an option. Therefore, she has been in contact with MML and the Governor's office to obtain information about how a scheduled election can be modified. The Governor's Office provided her a sample resolution in conformance with Executive Order No. 20-03-30-03 that allows a municipality to suspend the normal charter amendment process set forth in Maryland law to change its election date and process. CR 01-2020 would amend the Town Charter to enable the Council to modify its election process in an emergency, while the subsequent Resolution 05-2020 would lay out the specifics.

Clerk Harper read a summary of the Charter Amendment Resolution. CM Dewey moved to adopt the Resolution. CM Osmond seconded. MPT Papanikolas asked why this amendment is in the form of a resolution rather than an emergency ordinance. TM Broadbent said this was mandated as part of the Governor's Executive Order. Clerk Harper added that all charter amendments are done by resolution [per State law].

In discussion, all Councilmembers supported adopting the amendment to enable the Council to make necessary changes to the Town's election. CM Dewey noted for context that the Maryland primaries were moved to June 2 and will be held mostly by mail. The Council voted 5 to 0 to approve the Charter Amendment.

The public hearing on the Charter Amendment was moved to be held in conjunction with the hearing on Resolution 5-2020, the next item on the agenda.

**Resolution 05-2020 – Changes to Election Process:** TM Broadbent explained this Resolution will set the date of election, yet to be determined by the Council. It does not determine the method of voting, which also needs to be addressed. In the election schedule the election date has been tentatively set for June 2 but she strongly recommends moving it to the first Tuesday in July. She believes it is better to wait with electing and installing a new Council until after the State of Emergency has ended, a date which will be determined by the course of the pandemic.

Clerk Harper read a summary of the Resolution. At 8:58 p.m., Mayor Isler opened the public hearing on Resolution 5-2020 and the Charter Amendment. Mike Attick, 62<sup>nd</sup> Avenue, commented via telephone. He asked why it matters that the legislation is adopted tonight. TM Broadbent replied that the election changes must be approved before the election was set to take place, e.g. May 5. This is the only public meeting prior to that date at which the legislation can be adopted.

Sharmila Bhatia, Chief Election Judge, submitted several comments by e-mail. She recommended the Council set a fixed date for the election and [suggested June 9](#). She expressed concern the Council is using the State of Emergency to extend their terms. Further, the memorandum on election methods describes procedures incompatible with the Town's voting process. No voter's address should be affixed to the ballot itself, which remains anonymous.

In response to Ms. Bhatia, Mayor Isler said the Council does not want to postpone the election because it wants to extend its term, but because it wants to ensure that an election is conducted at a time when it is safe. In so doing, it is following the State's lead.

CM Dewey said she would set the date for June 2, the date of the Maryland Primaries. She believes that conditions will not be fundamentally different in July than they are in June. Elections should be held sooner rather than later, especially if the voting takes place by mail which eliminates safety issues with in-person voting.

CM Sweep said he is leaning toward a July date because it may provide an opportunity for candidates to campaign and go door-knocking. It would also give more time for the Board of Election Supervisors to work out the logistics of switching to a vote by mail system.

Clerk Harper said the timeline for the election depends to some degree on the method chosen. If the Board of Election Supervisors can leverage the Town's current absentee voting process it may not need as much time to get ready than if a new process is implemented. Responding to CM Sweep, Clerk Harper added, currently, a voter applies for an absentee ballot first and is then given or sent the ballot with a return envelope. For this election, the process could be shortened by sending an "application" requesting the voter's identifying information with the ballot and the return envelope.

At 9:18 p.m., Mayor Isler closed the hearing but kept the record open for further comments.

MPT Papanikolas said he would prefer to set the date of the election first and charge the Board of Election Supervisors with devising a voting method that is safe, orderly and complies with legal requirements. At a minimum, this method needs to ensure that the ballot remains anonymous and allows the election judges and Town clerk to track who voted. He suggested June 2 or June 9.

TM Broadbent explained the election process described in her memorandum on voting methods. CM Osmond said he supports an earlier election date if the vote by mail process can be settled in time. Voting by mail will require a cultural adjustment but may result in more ballots being cast. He likes the

idea of setting up a ballot drop box at Town Hall, which resembles the in-person voting process as the marked-up ballot is dropped into a box.

Mayor Isler said he prefers the later date of July 7 to allow candidates to campaign and interact with voters. This would be fairer for first-time candidates, who are not as well-known. CM Osmond suggested that candidates could be given the opportunity to run campaign spots on BHTV or on the Town's social media to make up for a lack of exposure during the emergency.

After some discussion about the wording of the Resolution, MPT Papanikolas moved to set the date of the election for June 9. CM Dewey seconded. In a roll call vote, MPT Papanikolas, CM Dewey, CM Sweep and CM Osmond voted 'aye' and Mayor Isler 'nay'. Mayor Isler clarified that the Council is charging the Board of Election Supervisors with devising an appropriate and secure way of carrying out the election.

***MML convention registration:*** The Council confirmed 5 registrations for the annual summer conference of the Maryland Municipal League, which has not been cancelled.

#### **8. Citizen Discussion**

Mike Attick questioned the legality of the Resolution, which does not include a date certain for the election. TM Broadbent replied that the language in the Resolution will be changed to reflect the motion made by the Council. Mr. Attick also asked whether the Town can set a date for the election before the Governor has ended the quarantine. TM Broadbent said it can if the election is conducted in a safe and orderly manner.

The meeting was adjourned at 10:04 p.m.

Signed: *Kerstin Harper*, Town Clerk